

U.S. District Court
Middle District of Florida (Orlando)
CIVIL DOCKET FOR CASE #: 6:21-cv-01837-PGB-GJK

Bryant v. Spinnaker Resorts, Inc. et al
Assigned to: Judge Paul G. Byron
Referred to: Magistrate Judge Gregory J. Kelly
Cause: 47:227 Restrictions of Use of Telephone Equipment

Date Filed: 11/03/2021
Jury Demand: Plaintiff
Nature of Suit: 485 Telephone Consumer Protection Act (TCPA)
Jurisdiction: Federal Question

Plaintiff

John Bryant
on behalf of himself and others similarly situated

represented by **Rachel Elizabeth Kaufman**
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V.

Defendant

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Defendant

King's Creek Plantation, LLC

TERMINATED: 11/18/2021

Defendant

King's Creek Resorts, LLC

represented by **Donald A. Blackwell**

(See above for address)

ATTORNEY TO BE NOTICED

Frank D. Hosley

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Robert A. Assuncao

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Date Filed	#	Docket Text
11/03/2021	<u>1</u>	COMPLAINT against King's Creek Plantation, LLC, Spinnaker Resorts, Inc. with Jury Demand (Filing fee \$ 402 receipt number AFLMDC-18889076) filed by John Bryant. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Proposed Summons Spinnaker, # <u>3</u> Proposed Summons King's Creek)(Kaufman, Avi) (Entered: 11/03/2021)
11/03/2021	<u>2</u>	

		NEW CASE ASSIGNED to Judge Anne C. Conway and Magistrate Judge Gregory J. Kelly. New case number: 6:21-cv-1837-ACC-GJK. (SJB) (Entered: 11/03/2021)
11/04/2021	I 3	Case Reassigned to Judge Paul G. Byron. New case number: 6:21-cv-1837-PGB-GJK. Judge Anne C. Conway no longer assigned to the case (per standing order). (ALL) (Entered: 11/04/2021)
11/04/2021	I 4	SUMMONS issued as to King's Creek Plantation, LLC, Spinnaker Resorts, Inc. (TNP) (Entered: 11/04/2021)
11/04/2021	I 5	ORDER Judge Kelly's Standing Discovery Order Signed by Magistrate Judge Gregory J. Kelly on 11/4/2021. (MB) (Entered: 11/04/2021)
11/05/2021	I 6	INITIAL ORDER re: Case Management and Deadlines. Signed by Judge Paul G. Byron on 11/5/2021. (GNB) ctp (Entered: 11/05/2021)
11/05/2021	I 7	ENDORSED ORDER: The parties are DIRECTED to confer regarding deadlines pertinent to a motion for class certification and advise the Court of agreeable deadlines in their case management report. The deadlines should include a deadline for (1) disclosure of expert reports – class action, plaintiff and defendant; (2) discovery – class action; (3) motion for class certification; (4) response to motion for class certification; and (5) reply to motion for class certification. Signed by Judge Paul G. Byron on 11/5/2021. (GNB) ctp (Entered: 11/05/2021)
11/17/2021	I 8	NOTICE of Dismissal of Defendant King's Creek Plantation, LLC by John Bryant (Kaufman, Avi) Modified text on 11/18/2021 (TNP). (Entered: 11/17/2021)
11/17/2021	I 9	CERTIFICATE of interested persons and corporate disclosure statement re <u>6</u> Order by John Bryant. (Kaufman, Avi) (Entered: 11/17/2021)
11/17/2021	I 10	NOTICE of a related action per Local Rule 1.07(c) by John Bryant. Related case(s): Yes (Kaufman, Avi) (Entered: 11/17/2021)
11/18/2021	I 11	ORDER re <u>8</u> Notice of Dismissal. Plaintiff's claims against Defendant King's Creek Plantation, LLC, are DISMISSED WITHOUT PREJUDICE. The Clerk of Court is DIRECTED to terminate Defendant King's Creek Plantation, LLC, from the file. Signed by Judge Paul G. Byron on 11/18/2021. (AH) (Entered: 11/18/2021)
11/29/2021	I 12	Unopposed MOTION for Extension of Time to File Answer re <u>1</u> Complaint by Spinnaker Resorts, Inc.. (Hosley, Frank) (Entered: 11/29/2021)
11/30/2021	I 13	ENDORSED ORDER granting <u>12</u> SPINNAKER RESORTS, INC.'S UNOPPOSED MOTION FOR ENLARGEMENT OF TIME TO RESPOND TO PLAINTIFF'S CLASS ACTION COMPLAINT AND SUPPORTING MEMORANDUM. Spinnaker Resorts, Inc.'s answer or response due 12/31/2021. Signed by Magistrate Judge Gregory J. Kelly on 11/30/2021. (MB) (Entered: 11/30/2021)
12/21/2021	I 14	ORDER TO SHOW CAUSE as to Spinnaker Resorts, Inc. Defendant has failed to comply with the Court's Order <u>6</u>. Defendant shall SHOW CAUSE and file its response to said Order within fourteen (14) days from the date of this Order. Failure to comply with this Order may result in the imposition of appropriate sanctions. Signed by Judge Paul G. Byron on 12/21/2021. (GNB) ctp (Entered: 12/21/2021)
12/23/2021	I 15	CERTIFICATE of interested persons and corporate disclosure statement re <u>14</u> Order to show cause by Spinnaker Resorts, Inc.. (Blackwell, Donald) (Entered: 12/23/2021)
12/31/2021	I 16	MOTION to Dismiss for Failure to State a Claim re <u>1</u> Complaint by Spinnaker Resorts, Inc. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C)(Blackwell, Donald) Modified text on 1/3/2022 (TNP). (Entered: 12/31/2021)

12/31/2021	<u>17</u>	NOTICE of a related action per Local Rule 1.07(c) by Spinnaker Resorts, Inc. Related case(s): No (Blackwell, Donald) Modified text on 1/3/2022 (TNP). (Entered: 12/31/2021)
01/03/2022	<u>18</u>	NOTICE to counsel Robert A. Assuncao and Steven F. Gooby Local Rule 2.01(c), Special Admission of Non-Resident Lawyer – File a Motion to Appear Pro Hac Vice. Co-counsel with filing rights may electronically file the motion on behalf of the non-resident lawyer or the motion may be filed on paper; Pay the Special Admission Fee; Submit a Pro Hac Vice E-File Registration through PACER. Visit www.flmd.uscourts.gov/for-lawyers for details (Signed by Deputy Clerk). (TNP) ctp (Entered: 01/03/2022)
01/07/2022	<u>19</u>	Unopposed MOTION for Steven F. Gooby to appear pro hac vice, Special Admission fee paid, Receipt No. AFLMDC-19095680 for \$150 by Spinnaker Resorts, Inc.. (Blackwell, Donald) Motions referred to Magistrate Judge Gregory J. Kelly. (Entered: 01/07/2022)
01/07/2022	<u>20</u>	Unopposed MOTION for Robert A. Assuncao to appear pro hac vice, Special Admission fee paid, Receipt No. AFLMDC-19095713 for \$150 by Spinnaker Resorts, Inc.. (Blackwell, Donald) Motions referred to Magistrate Judge Gregory J. Kelly. (Entered: 01/07/2022)
01/08/2022	<u>21</u>	ENDORSED ORDER granting <u>19</u> Motion to Appear Pro Hac Vice; granting <u>20</u> Motion to Appear Pro Hac Vice. Signed by Magistrate Judge David A Baker on 1/8/2022. (Baker, David) (Entered: 01/08/2022)
01/10/2022	<u>22</u>	CASE MANAGEMENT REPORT. (Kaufman, Avi) (Entered: 01/10/2022)
01/21/2022	<u>23</u>	AMENDED COMPLAINT against Spinnaker Resorts, Inc., King's Creek Resorts, LLC with Jury Demand. filed by John Bryant. (Attachments: # <u>1</u> Proposed Summons)(Kaufman, Avi) (Entered: 01/21/2022)
01/25/2022	<u>24</u>	ENDORSED ORDER denying as moot <u>16</u> Motion to Dismiss for Failure to State a Claim. See <u>23</u> Amended Complaint. Signed by Judge Paul G. Byron on 1/25/2022. (AH) (Entered: 01/25/2022)
01/26/2022	<u>25</u>	SUMMONS issued as to King's Creek Resorts, LLC. (TNP) (Entered: 01/26/2022)
01/27/2022	<u>26</u>	CASE MANAGEMENT AND SCHEDULING ORDER. Amended Pleadings due by 3/21/2022 Joinder of Parties due by 3/21/2022 Discovery due by 2/13/2023 Dispositive motions due by 3/15/2023 Pretrial statement due by 6/27/2023 All other motions due by 7/5/2023 Plaintiff disclosure of expert report due by 12/14/2022 Defendant disclosure of expert report due by 1/13/2023 Final Pretrial Conference set for 8/15/2023 at 03:00 PM in Orlando Courtroom 4 B before Judge Paul G. Byron Jury Trial set for 9/5/2023 at 09:00 AM in Orlando Courtroom 4 B before Judge Paul G. Byron. Conduct mediation hearing by 3/1/2023. Lead counsel to coordinate dates. Signed by Judge Paul G. Byron on 1/27/2022. (GNB) ctp (Entered: 01/27/2022)
01/27/2022	<u>27</u>	ORDER directing the parties to confer and advise the Court on the selection of a mediator within fourteen (14) days from the date of this Order. Signed by Judge Paul G. Byron on 1/27/2022. (GNB) ctp (Entered: 01/27/2022)
01/27/2022	<u>28</u>	CASE REFERRED to Mediation. (TNP) (Entered: 01/27/2022)
02/02/2022	<u>29</u>	RETURN of service executed on 02/01/2022 by John Bryant as to King's Creek Resorts, LLC. (Kaufman, Avi) (Entered: 02/02/2022)
02/03/2022	<u>30</u>	Unopposed MOTION for an Enlargement of Time to Respond to <u>23</u> First Amended Class Action Complaint by King's Creek Resorts, LLC, Spinnaker Resorts, Inc. (Blackwell, Donald) Modified text on 2/4/2022 (TNP). (Entered: 02/03/2022)
02/04/2022	<u>31</u>	

		ENDORSED ORDER granting <u>30</u> Motion for Extension of Time to File. Signed by Magistrate Judge David A. Baker on 2/4/2022. (Baker, David) (Entered: 02/04/2022)
02/07/2022	<u>32</u>	NOTICE OF SELECTION of Hon. Ted Bandstra (Ret.) as mediator by John Bryant.(Kaufman, Avi) (Entered: 02/07/2022)
02/10/2022	<u>33</u>	NOTICE of mediation conference/hearing to be held on 2/9/2023 at 9:30 before Hon. Ted Bandstra (Ret.).(Kaufman, Avi) (Entered: 02/10/2022)
02/25/2022	<u>34</u>	CERTIFICATE of interested persons and corporate disclosure statement re <u>6</u> Initial Case Order filed by King's Creek Resorts, LLC. (Hosley, Frank) Modified on 2/28/2022 (RDO). (Entered: 02/25/2022)
03/07/2022	<u>35</u>	AMENDED CERTIFICATE of interested persons and corporate disclosure statement re <u>6</u> Order by Spinnaker Resorts, Inc. identifying Other Affiliate kings creek resorts LLC, Other Affiliate Vacation Reservation Center LLC for Spinnaker Resorts, Inc.. (Hosley, Frank) Modified on 3/7/2022 (RDO). (Entered: 03/07/2022)
03/07/2022	<u>36</u>	AMENDED CERTIFICATE of interested persons and corporate disclosure statement re <u>6</u> Order by King's Creek Resorts, LLC identifying Corporate Parent Spinnaker Resorts Inc. for King's Creek Resorts, LLC. (Hosley, Frank) Modified on 3/7/2022 (RDO). (Entered: 03/07/2022)
03/08/2022	<u>37</u>	MOTION to Dismiss by King's Creek Resorts, LLC, Spinnaker Resorts, Inc.. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C)(Blackwell, Donald) Modified on 3/9/2022 (RDO). Modified on 3/30/2022 (RDO). (Entered: 03/08/2022)
03/08/2022	<u>38</u>	MOTION to Change Venue / Transfer Case by King's Creek Resorts, LLC, Spinnaker Resorts, Inc.. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C)(Blackwell, Donald) (Entered: 03/08/2022)
03/10/2022	<u>39</u>	MOTION to Stay Discovery by King's Creek Resorts, LLC, Spinnaker Resorts, Inc.. (Blackwell, Donald) (Entered: 03/10/2022)
03/11/2022	<u>40</u>	ENDORSED ORDER denying <u>39</u> Motion to Stay Discovery. Pending motions do not relieve parties of the deadlines of the CMSO. Signed by Judge Paul G. Byron on 3/11/2022. (AH) (Entered: 03/11/2022)
03/22/2022	<u>41</u>	Unopposed MOTION for Extension of Time to File Response/Reply as to <u>38</u> MOTION to Change Venue / Transfer Case by John Bryant. (Kaufman, Avi) (Entered: 03/22/2022)
03/23/2022	<u>42</u>	ENDORSED ORDER granting <u>41</u> Motion for Extension of Time to File Response. On or before April 5, 2022, Plaintiff must file his response to <u>38</u> Defendants' Motion to Transfer Venue. This does not affect Plaintiff's deadline to respond to <u>37</u> Defendants' Motion to Dismiss or any other deadlines as set forth by the Court's Case Management and Scheduling Order. No further extensions will be granted. Signed by Judge Paul G. Byron on 3/23/2022. (AH) (Entered: 03/23/2022)
03/24/2022	<u>43</u>	Set/reset deadlines as to <u>38</u> MOTION to Change Venue / Transfer Case . Responses due by 4/5/2022 (RDO) (Entered: 03/24/2022)
03/29/2022	<u>44</u>	RESPONSE in Opposition re <u>38</u> MOTION to Change Venue / Transfer Case , <u>37</u> MOTION to Dismiss filed by John Bryant. (Attachments: # <u>1</u> Exhibit 1 – Rose v. New TSI Holdings)(Kaufman, Avi) Modified on 3/30/2022 (RDO). (Entered: 03/29/2022)
04/04/2022	<u>45</u>	MOTION for Miscellaneous Relief, specifically Leave to File a Reply in Support of <u>37</u> Motion to Dismiss by King's Creek Resorts, LLC, Spinnaker Resorts, Inc.. (Blackwell, Donald) Modified on 4/5/2022 (RDO). (Entered: 04/04/2022)

04/05/2022	<u>45</u>	ENDORSED ORDER granting <u>44</u> Motion for Leave to File Reply Brief. On or before April 19, 2022, Defendants may file a reply brief to the Motion to Dismiss, not to exceed seven (7) pages. Signed by Judge Paul G. Byron on 4/5/2022. (AH) (Entered: 04/05/2022)
04/12/2022	<u>46</u>	REPLY BRIEF in support of <u>37</u> Motion to Dismiss filed by King's Creek Resorts, LLC, Spinnaker Resorts, Inc.. (Attachments: # <u>1</u> Exhibit A)(Blackwell, Donald) Text modified on 4/13/2022 (RDO). (Entered: 04/12/2022)
05/13/2022	<u>47</u>	ORDER granting <u>38</u> Motion to Change Venue/Transfer Case. The Clerk of Court is DIRECTED to transfer this matter to the United States District Court for the Eastern District of Virginia. The Clerk of Court is DIRECTED to transfer the pending <u>37</u> Motion to Dismiss. Thereafter, the Clerk of Court is DIRECTED to close the case. Signed by Judge Paul G. Byron on 5/13/2022. (AH) (Entered: 05/13/2022)